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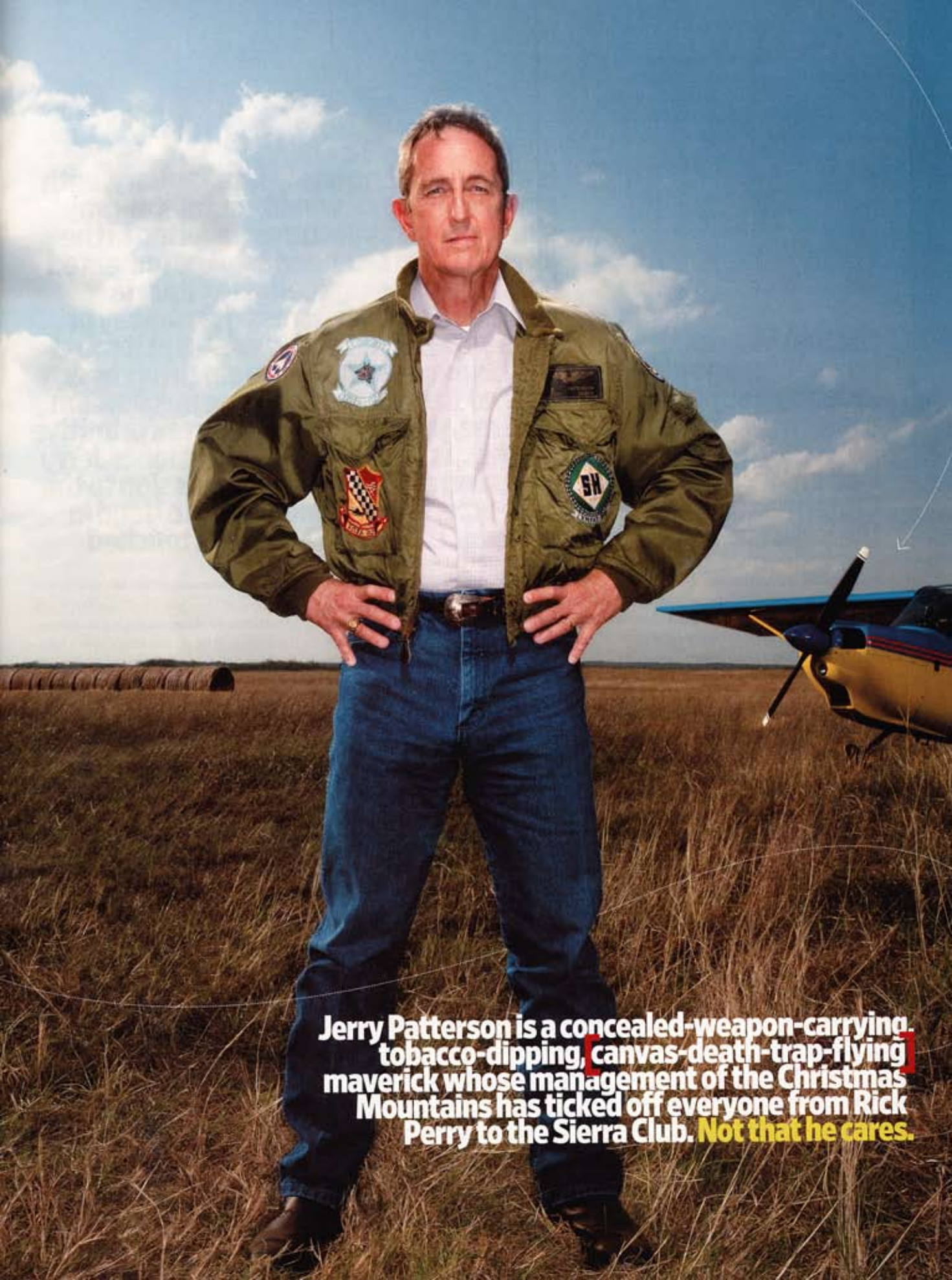
LAND

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by S. C.
Gwynne
photograph by
BRENT HUMPHREYS

HIS

LAND



Jerry Patterson is a concealed-weapon-carrying, tobacco-dipping, canvas-death-trap-flying maverick whose management of the Christmas Mountains has ticked off everyone from Rick Perry to the Sierra Club. Not that he cares.

I
T is a bone-chilling day in late January, with stinging 20-knot winds, gunmetal-gray skies, and temperatures hovering in the low 30's. I am strapped into the unheated backseat of a single-engine Citabria airplane as it taxis across the runway of the San Marcos airport, a place so deserted and windswept it could be a set for one of those movies where everyone on earth has been killed by a supervirus. There is no tower here; there are no planes in the sky. In the seat in front of me, peering over the plane's primitive dashboard into the vast grayness, is Texas land commissioner Jerry Patterson. I am here as his guest on a reconnaissance mission to the **Christmas Mountains**, a 9,269-acre, state-owned parcel of land in the Big Bend region of West Texas. Last year, Patterson touched

off a political firestorm when he announced that he was going to sell the mountains, which had been donated by conservationists in 1991, to private interests. He was roundly denounced in editorials across the state and publicly criticized by politicians, including Governor Rick Perry, U.S. congressman Ciro Rodriguez, and state senator John Whitmire. As the debate intensified, the remote mountain range was transformed from a chunk of brown, lechuguilla-pocked dirt into the embodiment of a righteous principle of public entitlement and landed heritage. This is why Patterson has invited me along: He wants me to see the *real* Christmas Mountains, touch the volcanic rock, smell the sagey air, and confront what he says are the true issues at stake.

The Citabria is one of two aircraft Patterson owns. He often flies them around the state on official business of the General Land Office (GLO), a bureau that essentially acts as Texas's realtor. Today we are taking the Citabria because it is better adapted to landing on short dirt runways in the middle of nowhere. "One of the problems with these planes," he says through my headphones as we reach the end of the runway, "is if you're not careful, they tend to swap ends when you take off." This had not occurred to me, of course. I try to imagine for a moment what it might feel like to swap ends. But moments later Patterson guns the engine and suddenly

we are banking steeply over San Marcos, bumping hard into a stiff headwind, and flying toward our destination, 350 desolate miles away.

Since I met the 61-year-old Patterson only an hour ago, the Citabria serves as a kind of introduction. It is a fascinating little aircraft. And I do mean little. Its cockpit is only slightly wider than I am, which is why I am crammed into its tiny backseat. There are only two tandem seats. The interior is ancient and shopworn, its ap-

pointments not unlike those of a 30-year-old Oldsmobile. The plane itself, like Baron Von Richthofen's Fokker triplane, consists entirely of cloth fabric stretched over a spindly frame. Above us, where the wings join the fuselage, are twin tiny, dim fuel gauges that jump around like indicator needles on a Model A Ford. As cramped as I am, I must still avoid the "stick" and the pedals that control the aircraft, a set of which are located in front of me. On takeoff the stick whacks me in the knees, so I move them out of the





Below: View of the Christmas Mountains from the Paint Gap Hills, in Big Bend National Park. Previous spread: Patterson, photographed with his Citabria on March 26, 2008, in San Marcos.

way as best I can, only to have them knock against what appears to be a door handle on the left side of the aircraft, marked with two settings, "open" and "closed." A few minutes later, Patterson explains that this is not the door handle; it's the *throttle*.

I note these details not because I believe I am in any special danger but because in

many ways the aircraft really is a perfect reflection of Patterson. Citabrias are legendary for their maneuverability; they were among the first commercial planes to be built for aerobatics (Citabria, in

fact, is "airbatic" spelled backward). Patterson explains to me that their flight characteristics allow them to land "almost anywhere." (He is fond of landing his on the beach in South Texas, for example, when visiting state lands there.) In the hands of a superb pilot like Patterson, the plane swoops and turns like a barn swallow.

But Citabrias are highly idiosyncratic. Like other tail-wheel aircraft, they're so difficult to fly that it is hard to find an instructor who can teach you how to operate one.

("It's a *manly* airplane," Patterson says with a grin.) And it is, of course, a single-engine plane. Patterson later admits, as we turn tight 360's over the dizzyingly steep canyons of the lower Rio Grande, that if we were to lose that single engine, we would be in a "shit sandwich." But all of this suits the controversial land commissioner. After twelve years in public office, he has established a reputation as an unusual—and, like his airplane, idiosyncratic—sort of politician. As a Republican state senator from 1992 to 1998, he authored and rammed through landmark legislation to allow Texans to carry concealed weapons, borrow money off the equity in their homes, and ride their motorcycles without wearing helmets. He was seen as a "completely fearless" legislator, according to former senator David Sibley.

"Once he thought something ought to be done, you could not convince him to go away or stop doing it," Sibley says. "We would joke about his Marine training. Whenever somebody shoots at a Marine, he is trained to turn toward where the shot came from and charge, shooting his gun. That was Jerry as a senator. He would just turn and charge." (Patterson is a U.S. Marine Vietnam veteran and flew F-4 Phantom fighter planes as a radar intercept officer—the backseat—for fifteen years, five on active duty and ten in the reserves. He retired in 1993 as a lieutenant colonel.)

Stories of his fierce will are legendary. In 1997 he defied the entire Republican leadership of Texas on a bill that would have made some eight-liner gambling machines illegal. This was known as Governor George W. Bush's bill, but Patterson opposed it because of what he saw as its inconsistency. Still,



since the bill would have outlawed many if not all eight-liners in Texas, a vote against it was seen as "pro-gambling" and therefore extremely dangerous. But even after Republican party big shots personally implored him to change his mind—pressure that would have caused most legislators' knees to buckle—he filibustered and killed the bill.

Patterson has never been shy about expressing his beliefs. He is a passionate advocate of the Second Amendment. As the great-grandson of a soldier who fought for the South, he honored Confederate Heroes Day in January by using donated funds to purchase a Southern soldier's correspondence for the GLO's large archive of historical documents. In 2000, after plaques commemorating the Confederacy were removed from the Texas Supreme Court building, Patterson filed a legal brief supporting the Sons of Confederate Veterans in its campaign to restore the monuments. He hands out land office decals (paid for with campaign money, he pointed out) bearing the image of the Stars and Bars, the first national flag of the Confederacy. He wears NRA caps, dips Skoal, and likes to let people know that he carries a loaded pistol with him at all times.

Yet he is not the swaggering, unthinking ideologue his enemies would have you believe he is. In an interview with the *Houston Chronicle* last year, Patterson was asked how he reacted to people who contend that it is not appropriate to celebrate Southern history because of its link to slavery. His reply: "I celebrate the U.S. flag under which atrocities like My Lai occurred or under which a genocidal war against a whole race of people, the American Indians, occurred. I still celebrate the American flag, because I'm able to distinguish between the good and bad that occurred under that symbol." And lest anyone think him predictable, Patterson sponsored legislation in 1997 that established the Juneteenth Commission, which eventually led to a commemoration on the grounds of the Capitol of the freeing of slaves in Texas, in 1865.

In person, Patterson is genial, articulate, funny, self-deprecating, and occasionally profane. Unlike most politicians, he says exactly what is on his mind, which explains why he has the reputation as someone who shoots first and asks questions later. He is an avid reader and can hold forth in minute detail on the history of Texas, the Civil War, and anything to do with his hero Robert E. Lee (his other hero is former lieutenant governor Bob Bullock). His knowledge of aircraft and

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WHEN THE *SAN ANTONIO EXPRESS-NEWS* ASKED PATTERSON IF HE COMPLIED WITH THE NPS'S PROHIBITION, HE SAID, "I JUST IGNORE IT. I MEAN, IF I GO TO A NATIONAL PARK, I AM ARMED. I DON'T CARE WHAT THEY SAY."



weaponry is, not surprisingly, encyclopedic. He owns and works on several vintage cars. He loves to hunt. He is married to a much younger woman, a 37-year-old Austin attorney with whom he has twin 4-year-olds. (He also has two grown children—a 32-year-old son who served in Iraq as a Marine helicopter pilot and a 34-year-old daughter who's an attorney working in Kosovo.)

Except for the cryogenic conditions in the backseat of the Citabria and a stop for gas in the microscopic town of Dryden, our flight to Big Bend is uneventful. We weave our way through the lofty peaks of Big Bend country and finally drop down onto an uphill dirt runway in a 204,000-acre subdivision known as Terlingua Ranch. As we land, the enormous, dun-colored mass of the Christmas Mountains looms before us.

"Well," Patterson says cheerfully, "we've cheated death once again."



he landscape

of the Christmas Mountains does not suggest anything having to do with Christmas. It is, to borrow a phrase from Billy Lee Brammer, most barbarously large and final. It is a vast and primitive country of enormous volcanic upheavals, of monstrous humps that rise off the desert floor like islands in a primeval sea. It is hard to imagine that these mountains—a small piece of the Vermont-size Big Bend—have spawned one of the most politically supercharged public debates in recent years.

The whole thing began innocently enough. Shortly after Patterson took office, in 2003, he commissioned a review of "underutilized properties." The GLO's main job is to manage the 13-million-acre portfolio of land owned by the state's Permanent School Fund (PSF), which includes gas, oil, and various surface leases (it also looks after the state's beaches and offers loans to veterans). Patterson discovered that among the agency's holdings was acreage in the Christmas Mountains that had been donated to the state in 1991 by the Richard King Mellon Foundation, the nation's largest land donor. The agent in the deal was the Conservation Fund, a land preserva-



Opposite: Patterson, in 1990, at Dallas Naval Air Station, where he flew F-4 Phantoms as a radar intercept officer with the Marine Fighter Attack Squadron 112. Above: The Christmas Mountains as seen from Patterson's plane.

tion organization that has helped protect more than six million acres in fifty states. The Conservation Fund had given the land on the condition that only minimal development would be allowed.

In Patterson's view, this restriction, coupled with a complete lack of public access to the property, meant that the Christmas Mountains were deadweight. Once, the land had been used as a private hunting preserve for the owners of lots in Terlingua Ranch, but that lease lapsed long ago, and there has been no legal hunting since the GLO took title. The property contains some old mines and water wells, along with a silted-up masonry dam and tiny reservoir that were built in the forties and fifties. But the few dirt roads that still exist are dangerously degraded. There are no buildings. Eighteen miles of the nineteen-mile boundary border private land; the other mile abuts a remote part of Big Bend National Park, through which there are no trails. As Patterson reckoned it, his constitutional and fiduciary duty to use available real estate to raise money for Texas schoolkids dictated that he do something with this land. Like sell it.

And so, between 2004 and 2007, he offered the mountains to the National Park Service (NPS) and to the Texas Parks and Wildlife Department (TPWD). Both turned him down. He then called for a sealed bid auction with either public or private interests, and that was when the trouble started. By doing so, he was defying two of the most powerful land conservation groups in America. Not only had the Conservation Fund disallowed development, it had expressly forbidden the GLO to sell the Christmas Mountains to anyone but the NPS or the TPWD

without written consent. When the group protested, Patterson fanned the flames further by stating flatly that the Conservation Fund's stipulation was "unenforceable." It only infuriated his critics more to discover that he was right.

"Our position was that we had engaged private charitable dollars to complete the transaction and that the donor's intent should not be violated under any circumstances," says Larry Selzer, the president and chief executive officer of the Conservation Fund, based in Arlington, Virginia. With that came the not-so-veiled threat, delivered in a letter to Patterson from an officer of the Mellon Foundation, saying that if the sale went through, "the state of Texas [should] not look to the R. K. Mellon Foundation for any future help."

By October 2007, nearly 6,300 people had signed a petition sponsored by Environment Texas opposing the sale. Harshly worded anti-Patterson editorials were appearing all over the state. But just as the pot was really beginning to boil, the NPS changed its mind. In a letter to the GLO, Big Bend National Park superintendent William Wellman said he would like to "reevaluate the feasibility of adding the Christmas Mountains to the park" and requested that Patterson delay the private sale.

Patterson's response was blunt and seemed to change the ground rules yet again: "No hunting, no firearms, no deal." He was referring to the NPS's prohibition of hunting and firearms in its parks, which ran headlong into two of Patterson's most passionate personal convictions. He believes that, at a time when hunting is becoming a rich man's game, as much land as possible should be made available for | CONTINUED ON PAGE 254

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This Land Is His Land

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hunting. The fact that, other than a few blue quail, there is virtually no game in the Christmas Mountains does not deter him from this view. "I was thinking about the future," he says. "If we shut off hunting now, it's forever."

Patterson also believes strongly that, whether or not they use them to hunt, individuals have a constitutional right to carry guns in national parks. When the *San Antonio Express-News* asked Patterson if he complied with the NPS's prohibition, he said, "I just ignore it. I mean, if I go to a national park, I am armed. I don't care what they say." (This fight is being waged at the national level as well: Fifty-one senators, including Kay Bailey Hutchison and John Cornyn, have signed a letter asking the NPS and the Fish and Wildlife Service to "remove their prohibitions on law-abiding citizens from transporting and carrying firearms.")

Not surprisingly, the "no hunting, no firearms, no deal" response sparked yet more screams of protest from around the state and the nation. In a matter of a few months, Patterson had managed to turn the disposition of a small piece of uninhabited land in West Texas into a moral crusade. The *Houston Chronicle's* editorial page blasted his position in no uncertain terms: "Jerry Patterson is attempting to hold the mountains hostage to his belief that banning guns and hunting in national parks is unconstitutional."

While all of this annoyed Patterson, it failed to sway him. He is simply immune to public pressure, especially when he believes he is right. He solicited, and got, two private bids on the property, one for \$750,000 from Michael and Ramona Craddock, of Dallas, and one for \$704,000 from John Poindexter, owner of the 30,000-acre Cibolo Creek Ranch resort in Big Bend country. Poindexter, of course, is no stranger to conflicts over private development of public lands. Though he has done what is generally considered to be an excellent job of land restoration at Cibolo Creek, he ran into a tornado of (mostly unwarranted) criticism when he tried to buy 46,000 acres from Big Bend Ranch State Park in 2006. Both his and the Craddocks' plans envisioned restoring the land to its original form and allowing limited public access.

The plans seemed to confirm Patterson's notion that private owners would be more likely to put money into the property than any public owner would. Still, the idea went forth in several editorials and op-ed pieces that Patterson was selling out to "deep-pocketed" bidders, developers, and "multimillionaires," prompting prominent Rice University historian Douglas Brinkley to attack Patterson personally in the

Big Bend Gazette in a piece of literary hyperventilation that read in part, "You don't have to be a muckraker to smell the stench of Texas-style cronyism in Patterson's bald land auction. It's called a GLO cash grab."

As long as he was making people mad, Patterson had another point to make. The draconian restrictions placed on the land by the Conservation Fund's "gift deed" back in 1991 in fact made it impossible to develop the land in any way, ever. The most that could be done was to restore the few primitive dirt roads and three water wells. This provision was seen as so strict that back in 2004, the NPS had cited it as a reason *not* to buy the Christmas Mountains. Its letter to the GLO explained that "it was determined that there was no need to acquire this property because the restrictions placed on the property by the Conservation Fund when the land was gifted to the State of Texas would provide enough protection to the property and to the view shed of the park."

Three years later, Patterson was making the same point. He argued that the severe restrictions on the property in the form of conservation easements meant that it didn't matter whether the buyer was public or private. He insisted that the Christmas Mountains were "a park neither in law nor in fact. There can be limited access but they were never meant to be a public park and never will be a public park." Private owners, he said, would be even better than public owners, because they were likely to be better stewards of the land. Still, at a November meeting of the School Land Board, which oversees the Permanent School Fund, Patterson relented and voted with the two other board members, Todd Barth and David Herrmann, to delay the private sale. The NPS was given ninety days to come up with a plan. Environmental groups, conservationists, and public lands advocates across the country were in full cry by then, unified in their support for selling the mountains to the NPS. No one, as far as I know, had publicly uttered a single word of support for Patterson.

Thus it was that I arrived in Big Bend in January with the embattled, though completely unbowed, land commissioner. An hour after touching down we were climbing a dirt road in a caravan of ATVs with two land office employees and the publisher of the *Big Bend Gazette*.

The first thing you notice when you get on the property is how steep it is. The place is vertical in the extreme, and on a prodigious scale. This does not come through in any of the published photos of the mountains, nor does their 5,700-foot elevation convey how big they seem when you are inside them looking up. As we bounced and bumped upward on the jagged

road for five or six miles, rocky peaks and saddles loomed 1,000 feet above us; drop-offs into deeply cut canyons were frighteningly precipitous. Near the peak of the highest mountain, we stood at the razor's edge of a sheer 2,500-foot cliff—twenty seconds of free fall to the ground below. I took in one of the most spectacular views I have ever seen in the American West, a 360-degree volcanic panorama that embraces the Chisos Mountains of Big Bend National Park; the immense bulk of the Sierra del Carmen, in Mexico, that rises in blue mist to the south; and the receding peaks of the Solitario and other ranges to the west in Big Bend Ranch State Park.

Atop the jutting peaks, other truths are readily apparent. The land is, as Patterson has been insisting, completely inaccessible to the public, across both private lands and national parkland. The Christmas Mountains are not a park in any sense of the word, and—Patterson is right about this too—they are not public in any normal sense of the word. The land is “trust” land, held in portfolio by the PSF just like most of the 700,000 surface acres that it owns (the majority of the PSF's holdings are submerged acres or mineral rights). Because of the perpetual conservation easements, little could ever be done to turn it into anything other than a patch of remote backcountry that would be used only by the hardest of backpackers. The following day we hiked in through the nearest road access point in Big Bend National Park. This took us four hours. There were no trails. The point where the national park meets the Christmas Mountains is also without trails of any kind.

“It can’t be parkland because of the conservation easements,” Patterson told me, trying to explain his position. “It can be land that people have some limited access to. So far it hasn’t. Our two objectives in selling the thing were to find the best stewardship for this land and to provide the best access. It ain’t gonna be a picnic area. Poindexter and Craddock all have resources to do things like restore water, which is really important if you want wildlife. Now, if they have money and the time and the inclination to provide a better level of access than can be done through some other opportunity, then why are we so concerned with whose name is on the title?”

This, of course, is the burning question, but over the course of several conversations with Patterson, it became clear that his overriding concern was less with the question of private or public ownership than with the prohibition against hunting and firearms.

“I am still sticking to ‘no guns, no hunting, no deal,’” he told me as we hiked in the national park. “The only reason I offered it to [the NPS] earlier was because I wasn’t aware of their gun

and hunting policy. It is the principle of the thing. I definitely have an agenda here. But in this case the agenda I am pursuing is not hurting anybody. If this was going to be a park and I was keeping it out of public hands, that would be a different story. But I am not hurting anybody. I am making a point, but I am not hurting anybody.”

I asked him if he had any regrets about his role in the political fight that had erupted. “Only one,” he said. “I screwed up when I said that the provision in the gift deed was not legally enforceable. It sounded like I was defying the Conservation Fund. I wasn’t. I was just saying that I could legally do so. What I should have said was that once I had a deal I was planning to present it to the Conservation Fund. Without a deal, how can they know if they approve it or not?”

Patterson pointed out that, contrary to what almost all the stories written about the Christmas Mountains had reported, the Conservation Fund did not stipulate that the land be sold *only* to the NPS or Texas Parks and Wildlife. It did allow for sale to a third party, but only with its permission. I asked if he actually would have worked with the Conservation Fund to modify a private deal. Patterson thought a moment before responding in a way that would have amazed just about anyone familiar with the dispute. “Sure,” he said.

In the eyes of many in the environmental community, the Christmas Mountains sale was not an isolated event but fit into a larger pattern of behavior. Patterson, it was said, had done this sort of thing before. After five years in office, in fact, he had acquired a reputation in some quarters as a concealed-weapon-wieldin’, tobacco-dippin’, NRA-supportin’, libertarian yahoo bent on selling off Texas’s precious public lands to private developers. He has been far more aggressive than his predecessors at the GLO. During his tenure the volume of land office business has skyrocketed, driven in part by transactions like his \$100 million investment in a Wal-Mart distribution facility in Baytown that is projected to earn the state \$239 million. GLO direct investment in real estate and in real estate funds—expanded powers that Patterson lobbied for and got—has climbed from almost nothing to \$500 million and \$1.3 billion, respectively. He nearly doubled the number of home loans made to veterans in the 2004 fiscal year, to a record \$1 billion, and has matched or exceeded \$1 billion in low-interest loans each year since.

But the land deals have led to clashes with conservationists and environmentalists. In 2005 the GLO bought a two-thousand-acre parcel of land in Tarrant County as an investment,

only to run into another controversy when several environmental groups announced that they considered it priceless original prairie land. “The GLO does not have any controls in place or any ecological assessments when they do their real estate speculation,” says Jarid Manos, the chief executive officer of the Great Plains Restoration Council. “After the initial protest, the GLO has agreed to work with us toward a conservation alternative,” though he adds that the property remains in limbo.

On South Padre Island, Patterson defied a major campaign by the Sierra Club to stop gas drilling in the National Seashore in order to protect Kemp’s ridley sea turtles. Patterson’s position was simple: Drilling had been done there since 1951, the GLO owned full mineral rights, and no turtles would be harmed. A federal court later upheld him.

Sometimes Patterson’s critics seem to misunderstand his intentions. In 2003 he drew bitter protest in West Texas when he announced that he was exploring the possibility of leasing water rights on 355,000 acres of state land to a private company called Rio Nuevo. He was accused of proceeding with a plan that could effectively pump part of West Texas dry. The reality was that Patterson, typically heedless of how politically incorrect his actions might appear, was simply probing for new revenue sources and trying to make sure that, if everyone else was going to pump groundwater, the state got its share. He ended up greatly tightening environmental restrictions on pumping water from PSF lands and insisting on state ownership of the water—so much so that Rio Nuevo has not recently pursued negotiations on the lease offered by the GLO. Patterson says he is still open to doing a water-leasing deal and will still not be likely to care much what other people think.

Similarly, in 2005, the GLO was assigned to sell four hundred acres of state parkland in Tarrant County. Locals wanted all the land preserved as a park, while Patterson initially wanted to preserve a portion as a park and sell a portion to developers. This led to the accusation, from Douglas Brinkley, that the land commissioner was trying “to scrap Wild Texas for cash.” But Brinkley’s assertion was news to state representative Charlie Geren, the main force behind the ultimately successful coalition put together to buy the land for use as a park. “Jerry Patterson played a big role in seeing that this piece of property stayed a park,” he says. “He worked very hard with us and even when he was catching hell from a lot of people held tight while we put together the money to buy it.”

Though it is difficult to characterize these often complex deals, it is true that Patterson

proceeds with little regard for environmentalists and other advocacy groups. He is fully aware that this has not helped public perceptions of him. "It has all become an example of this image of me as a greedy person selling land to private people, and I am sure it will be an issue in the next election," says Patterson with a shrug. "I am looking forward to that. In fact, it makes me want to run again as land commissioner. Candidly, you reach a point where you tell somebody the truth enough times, and they keep saying things that are factually inaccurate, where the only thing you can conclude is that they are lying."

When you think you are fighting liars, of course, it is easy to ignore all the bad things they say about you.

By the end of January, the frenzy of activity aimed at preventing the GLO from selling the Christmas Mountains to either Poindexter or the Craddocks had produced a radical plan of action. The strategy hatched by the Conservation Fund was to raise private funds, buy the land *again* (recall that the Conservation Fund had given it to Texas in the first place), and then donate it to Big Bend National Park.

"In my twenty-five-year career in land conservation, protecting six million acres in fifty states, I have never experienced a state attempting to sell gifted property," the Conservation Fund's Larry Selzer told me. "As distasteful as it may be to in effect buy the property twice, I think we have to keep our eye on the prize, which is a strong and vibrant land conservation community in Texas."

That campaign resulted in a thirteen-page proposal by the NPS that was delivered to the GLO on January 31. It outlined a plan to purchase the tract (with third-party money), transfer it to Big Bend National Park as backcountry, and explore the feasibility of constructing a hiking trail. On the obviously critical issue of hunting, the report stated, "while it would be technically possible to provide a hunting opportunity in the Christmas Mountains, it would be extremely expensive and of limited benefit to the public. We would not support hunting in the Christmas Mountains if the NPS acquires the property." Still, the report was optimistic, and it seemed that the Conservation Fund would be able to find the money. A February 2 story in the *Austin American-Statesman* expressed confidence that the NPS would get the land.

Which is why what happened at the School Land Board's February 5 meeting was so completely unexpected. The three board members began by voting unanimously *not* to accept the bids of either Poindexter or the Craddocks. There would be no private deal. You could hear

the murmuring in the room. If there was no private deal, then the NPS proposal would very likely be approved. Except that next came a weird and apparently unforeseen protocol problem that enabled the board to prevent the NPS proposal from being discussed at all. The meeting was adjourned with no resolution. Reporters rushed to the front of the room in an attempt to figure out what had just transpired.

Patterson had outmaneuvered the land conservation lobby yet again. Despite the confidence of the *American-Statesman* (and a host of other observers) that the NPS plan would succeed, Patterson's position on hunting and firearms had not changed one iota. Before the board meeting, he'd told me, "The idea of the Conservation Fund coming up with the money to buy it twice and protect land that has already been protected is just dumber than a doorknob. It is just not happening."

At a press conference a few hours after the meeting, he announced that he was keeping the Christmas Mountains and that he was placing the NPS proposal in semipermanent limbo: It would not be discussed by the board anytime soon. When I spoke with Patterson later that day, he tried to explain his remarkable about-face on the issue of private ownership. He had gone to private bidders last year, he said, only after the state and national park people had turned him down. Now, with the reemergence of the NPS as a bidder, he had decided to explore his federal options. These included a change in NPS rules to allow visitors to hunt and carry weapons as well as offering the land to other federal agencies, such as the U.S. Forest Service, that currently allow hunting. In a letter to the superintendent of Big Bend National Park on March 28, he affirmed his insistence that the land be used for hunting and suggested that the NPS could designate the mountains as a huntable national preserve. "I will seek the federal government's appropriation to purchase the land," he said. "I will go to Congress and lobby the Texas delegation to come up with the appraised value and buy it out of federal revenue."

Like most everything else in the Christmas Mountains deal, this was an outcome that Patterson's opponents did not like. He had managed to not sell to private interests while still denying the public land advocates what they really wanted.

What does Patterson think about all this? "I think what happened was what in the Legislature we call a lobby fight," he says. "It is about winning, not about what you wanted to do at the outset. It is about defeating the other party." He was referring to what his opponents were trying to do. But he might as well have been talking about himself. ♦



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